411 Yaelima it is sometimes as deep as five centimeters. The bow and arrow of the type we have just described serves both as an offensive and a defensive weapon. Its importance as a weapon must have formerly been greater. In our time wars between tribes have become almost impossible. Attacks and reprisals by individuals, on the other hand, are still rather frequent. This is especially true of the region east of Opombo. Every free Ipanga, Batitu, Bokala, and Yaelima owns a bow and arrows and does not hesitate to use them either to defend himself or to attack.

224 Hunting with bow and arrow is done on an individual basis. The game taken in this way belongs wholly to the hunter. [69]

[411] Among the Yaelima we found an arrow with a removable head that is notably larger, wider, and stronger, and that is attached to the shaft by thin cords. The natives use these arrows for hunting antelope and buffalo. When the animal is hit, the arrowhead penetrates its body, and the surprised victim flees into the bush or forest. The shaft of the arrow, buffeted by the tall grass or lianas, gradually works itself loose. The head, attached to the shaft by a cord, remains in the wound. With each motion, the animal enlarges its wound. The shaft, sooner or later, is caught in the lianas or grass, with the result that the head is violently jerked from the wound, making it a mortal one. This very dangerous weapon is not widespread, and for good cause. The native can use it effectively only for a point-blank shot. The range of the bow is limited; the arrow with the removable point is heavy; the iron point is very wide and has small barbs. To succeed in planting this arrow in the body of the animal, it is necessary to creep to within several meters of the game, to string the bow without attracting the animal's attention, and to hit it in the belly. The wounded beast may seek its salvation in wild and fatal running, but it sometimes turns against its attacker. In any case, the hunter who uses these arrows cannot do so without risking great [70] danger. Although the native likes to hunt, he also fears the dangers associated with this occupation. The only ones who use these arrows are the intrepid true hunters who have inherited some of the instinct and audacity of the Batua [Twa]. Inunu, chief of the Batitu of the Oshwe region, who was audacious to the highest possible degree and feared no animal, obstacle, or danger, asserted to me that he and a few other hunters did not hesitate to attack elephants with this weapon.

men although their first marriage has not been broken and no new marriage agreement has been concluded.

The data given above provides no confirmation in the [114] Nkundó tribes under study of the statement made by Engels "Les Wangata [The Wangata]," Revue congolaise, 1910, p. 35) that among the Wangata "her husband can exchange her . . . she can make no protest." (1)

1. The Ekonda apply the term lienjé only to an exchange of daughters or sisters. They have a specific term: mpénjé. Note, by the way, that certain Mbólé tribes who practice a true wife exchange designate it by the same name: impénjé.

## Article VII. Purchase

The purchase of women is not practiced by the Nkundó tribes under discussion here nor even by the Bombwanja. The practice is to be found only among the Elingé. What is involved is not a marriage by means of a bride price but a real purchase; that is, a man buys a woman from her husband for a certain sum. He does not go through the woman's parents, as in an ordinary marriage by bride-price payment, but addresses himself directly to the husband.

In general it is the woman who makes the proposal that a man buy her in this manner. Sometimes a man wants to take a woman and [121] first comes to an agreement with her. Before the Europeans arrived such a situation generally led to a war between clans or villages. After an armistice the palaver was settled, and the [219] purchaser paid the husband. Nowadays, since the Nkundó no longer dare to [117] fight because of the legal sanctions that inevitably follow, when a woman abandons her husband for another man who wants to buy her, the parties involved bring the palaver before the judges. As the woman wants only her new husband, and as, on the other hand, war and the punishment of women have been abolished, the first husband has no

to a reimbursement of the bride price, any more than if the had died of natural causes. In past times death under these circumstances usually resulted in a war between clans. But this extreme situation actually arose only very rarely, if the man was excessively jealous and had other wives or the means to obtain them, or was embittered by persistent and incorrigible infidelity. Most frequently a husband's foresight of the law he would sustain, in the last analysis keeps him from such drastic action. He limits himself to beating or injuring the culprit or to applying other forms of chastisement or punishment (see below under b); see above, Article III, 9.

If the husband has sufficient evidence, of the sort described above, but has not caught the culprits in the act, the wife can expect a good whipping, accompanied by a whole string of vulgar expressions and assorted insults (femina foetidissima, tempore menstruationis puter tuus venit in nares omnium hominum, etc.) as well as a heap of obscenities pertaining to the female genital organs. The husband who acts in this manner is not reprimanded. On the contrary, he acts thus out of jealousy; our Nkundó say that his anger is an anger of love.

In these punishments the Nkundó above all recognize the exasperation that springs from legitimate jealousy. That is why the husband acts on his own initiative. Besides, when he [316] finds himself confronted with the fact it would be psychologically difficult for him to calm himself first in order to go and inform the ndonga.

It was extremely unusual for a man to kill his wife calmly and deliberately. Such a thing happened only if her infidelities were continuous and she had erred in many other ways as well. And even then this conduct was found only in certain extremely cruel families. It was known that Iloko is Ôkungó and Bengôngó by Kundó had acted in this fashion; both were members of the Bongilí (Besombó), a family which, in its songs, boasted of eating their own wives.

b) Tortures. The husband may also have recourse to several types of torture. Most important among them are the following:

1) The etika, which is the standard torture so to speak. It is a heavy wooden fork which is attached to the neck. It prevents

[i.e., a husband's killing his wife for adultery--Analyst]

679
937
(843)

in the case of an unmarried mother, see Chapter I, Part 1, Article III, 2.

[849] Adultery also becomes especially serious during the period preceding childbirth when there is a special prohibition against it, as endangering the lives of both mother and child, as we will explain in Chapter X, Article III.

7. Remarks and general conclusions

837 [731] 1) In former times the offense of adultery, even in its mildest form, that is, an isolated act, was one of the chief causes of "wars" between villages. Sometimes both sides called on their relatives by marriage to assist them, and the result was a general upheaval.

837 965 2) As a rule a husband wants his wife to be faithful. Doubtless there are exceptions. Most if not all of them were formerly found among the old polygamists. At their age they were disgusted with continual palavers, and their experience as men had taught them that they often became angry and uselessly complicated their little lives. They preferred to close their eyes, like good old Bonof' w'Ilolongó of Iteko (the Bombwonja clan of the Bofyó). He came to see me in the Christian village of Bombomba through which I was passing at the beginning of March, 1933. I asked him why he was adorned with so many bells, and he answered naively, "I always wear them. That way my wives know of my coming already from a distance. It gives them time to stop slandering me and to send their lovers away." When I expressed my surprise that he did not want to catch them in the act in order to punish them and end their infidelities, he answered me with a smile, "No, Father, jealousy . . . . is for the young. As for me, I have seen so much of it that I no longer have any desire to get angry and make palavers for these trivialities."

938 837 965 Since the coming of the Europeans some unscrupulous men -- especially polygamists -- have been engaging in [328] a kind of procuring. They send their wives to commit adultery in order to be able to catch them in the act and thus enrich themselves. Or else they lend their wives for one night or more to laborers or soldiers who are

this outrage (bikela ekiki fy'wôfimbé). It is a kind of national dishonor. This observation also clearly pinpoints the great difference between the favorite and the bôfimbé.

The following custom should be mentioned in this connection: if any man, even a stranger or one who comes from a great distance, comes and -- over the fence -- strikes the roof of a bôfimbé's light of seclusion with his ekôfé (1) as a call to

[59]

1. A wooden bell (see Comte, 1930, Vol. I, p. 366, figs. 4 and 5).

war, the whole village is obliged to take up arms to defend him. All the men [303] accompany him and unite with his family against the enemy clan, whatever the distance may be. The Nkundó say that the act of touching the bôfimbé's hut infuriates the entire clan and makes them take up arms without hesitation. (1)

1. Compare the result of a serious offense, whose effect is entirely in the offender's favor, to analogous cases described previously, for example in Chapter III, Article VII; Chapter VI, Article V, 4, Appendix; and below in Chapter VIII, Article II, 3, (2).

One last indication of the social nature of this institution is the fact that the bôfimbé has the right to sit beside her husband at public gatherings and feasts, a prerogative which she alone of all women possesses. With her is a boy or girl who serves as her "boy" and carries the seat (bofuga) on which she sits.

When a bôfimbé dies her husband may put another in her place. To do so he repeats the ceremony described above. It is called sangoja bôfimbé, "to make succeed to the title of bôfimbé."

As we saw in Chapter I, Part 1, Article II, a man may even make his daughter a bôfimbé.

586 178 for this right was recognized by the written laws which have assigned the functions formerly exercised by the "fathers" of families to them. But they are required to act in conformity with the common law, and therefore to listen to the ndonga and report to him.

586 Before colonization the Nkundó often used other means. Before exploring the question of bride-price reimbursement, we will examine these various actions. For greater clarity we will distinguish between the customs of the pre-European regime and actual practice. Two specific cases will be described at the end.

I. In the past

Let us again make a distinction between two situations:

A. First hypothesis: a wife left her husband. She ran away to her family, first informing the ndonga. If she did not go to him but went straight home instead, the ndonga felt that he had been disregarded, and serious consequences followed, for he inevitably found her in the wrong. That is why this situation very seldom arose. [301] The woman explained her conduct to the ndonga. It was his duty to reconcile her and her husband. A divorce never took place without many interventions on the part of the ndonga.

1) If in spite of all attempts the woman was absolutely unwilling [721] to stay with her husband and definitely left him, the result in most cases was war, unless, of course, the husband also did not care to continue the unhappy union. In such a case he was satisfied with claiming a reimbursement of the bride price. The war, like all others, ended in peace and indemnification; nothing further was discussed. The war was fought against the woman's clan if restitution of the bride price was delayed or not made. However, if the woman went to another man without first going to her family, the abandoned husband declared war on his rival and left his parents-in-law in peace.

586 682 2) Sometimes the abandoned husband took revenge on his rival by assassinating him. If the possibility was open to him --

make it possible for him to recover his claim, he had recourse to the second means:

b) Reducing his wife to slavery (bonyamá, from the verb nyamola). The husband had the right to use this means immediately, without having first tried the étaka. But such action was not approved of and was undertaken only if the woman's family were themselves exasperated by the endless suits and the continual shame that their unworthy daughter caused them.

The reduction of a woman to slavery usually caused a war, for her clan would not put up with such an insult. In some instances they did not seek revenge, however, either out of fear, because they did not feel in a position to resist, or because they recognized that the husband had good reasons for what he did. [304]

The woman's relatives could subsequently buy her back. (1)

1. If the Nkundó sold an Elinga woman into slavery, her people never troubled them with a war. For they did not know how to attack, were not good at marching, were strangers to the forest, and were inferior in military valor. Therefore they were satisfied with buying back their kinswoman.

In some instances, not wanting to be exposed to further palavers or further shame caused by their daughter's continued misconduct after having bought her back, they left her to her fate. Their love for their child and their desire to preserve their honor and good reputation were in conflict, and which of the two sentiments triumphed depended on circumstances of men and things. In such a situation, as with respect to theft and other habits that brought dishonor, it was not rare (nor is it even today) to find that the desire to preserve honor triumphed over affection or financial interests.

Before reducing a wife to slavery, even more than before confining her to the etíka, a man was required to communicate his intentions to the ndonga. Otherwise, the latter would declare war

that there were no further means for a reconciliation, returned her to her parents. No violence was used against her, nor could the husband demand an immediate and direct reimbursement of the bride price. The husband had to wait until the wife he had repudiated found a new husband and the latter had paid a bride price for her. If the parents-in-law showed ill will toward him, however, [72] they could expect a war.

The conclusion that can be drawn from the preceding data is that although Nkundó law is very severe against the wife who does not acquit herself of her marital obligations, it does not leave the husband entirely free to do as he pleases. Ancestral law demanded grave reasons as the basis for any measures he took against her, [208] and the application of this law was well regulated. The differences between the various situations are an eloquent demonstration of this fact.

As we have seen above, the term bokɔ́fo is not applied to repudiation by either party. In the case of the husband the Nkundó say that he asóna, "no longer wants her"; the noun is lɔ́sɔ́no. This term does not apply specifically to this situation; it refers to any person or thing one does not want. The special manner in which the wife is sent back by being handed over to the ndonga is also called by a generic term ɛ́mɔla, "to cause to start moving, to make go away"; the noun is ɔ́mɔ́.

2. At the present time

Considerable changes have been introduced as a result of colonization. Wars, torture, human sacrifice, and slavery have been abolished. The possibilities are now reduced to the woman's flight, with or without notification of the ndonga, or a repudiation pure and simple. The intervention of the ndonga is only rarely omitted; it is still considered important. As a matter of fact, it would be against his financial interests to make an enemy of him. A woman who leaves her husband returns home, goes directly to another man, or lives a debauched life in some center, large or small. There is nothing left but to proceed with the refunding of the bride price. Thus everything is reduced to its simplest form.

A Nkundó woman is held back only by the fear of punishment and other consequences of her action, or by her love for her husband.

simply said that she has left her husband (ɔ̃ɔ̃dɛ́ɛ) and has been taken in marriage by X (ɔ̃ɔ̃kómbwa ɛ́ka Sóngɛ́lí). Having fallen in love with another man's wife [390] and desiring to marry her, a man tries to win her favor. If she consents he collects the valuables necessary for the bride price. He then asks the woman to come to him and pays the bride price as for any marriage.

Instead of going directly to her seducer, the woman may also first go to her parents, especially if they are in favor of her plan. If they are not she would not succeed, because they would prevent her from carrying it out.

Cases of njangó were formerly rare because they were risky. As a matter of fact, they constituted a casus belli. Anyone who undertook such a venture had to be in a position to take the consequences of his act, especially with respect to the payment of an indemnity. Nowadays, on the other hand, these occurrences are much more frequent, even when the new husband does not have the means to pay the bride price at once. Nevertheless, the reversal in government policy is beginning to produce good results. The woman, or her mother, is often imprisoned; rarely the seducer. This penalty is often sufficient to restore order. But to keep from being exposed to further difficulties caused by the woman who no longer loves him, the abandoned husband sometimes refuses to take back his unfaithful wife.

The rarity of cases in former times as well as the fact that they constituted a legitimate reason for war shows that the njangó did not have the approval of Nkundó law but that it was more or less considered an infraction.

2) Taking refuge. Because of the change in circumstances, the practice of taking refuge is no longer common today. It used to be done as follows: A woman who absolutely wanted to leave her husband and had no means of doing so, since no man had asked for her in marriage and her parents were powerless to help her, went secretly to a rich and influential man whom she would have liked as a husband. She arrived unexpectedly, stood before him, or even threw herself at him, crying, [391] Bejwó bɛ̃kɛ́! ɔ̃njɔ́ngɛ́.

failure to help or respect them. After the union broke up, Bokeld, the woman's father, refused to make restitution of anything whatsoever. His answer to Englondé was, "You should have left another man's wife alone."

Yet all this was in flagrant opposition to Nkundó law. 1) Englondé was wrong to take another man's wife home with him. 2) Isongó could have taken Englondé's valuables away from him at the time the latter was making the payment; it was his right. But 3) Bokeld was also in the wrong. The question [410] of seduction and adultery was none of his business but Isongó's. If he did not like Englondé's behavior, he could have handled the situation differently. Now he had valuables to which he no longer had any right; he had to return them.

## Conclusion

The nature of the reimbursement of marriage payments and the various circumstances under which it is made might suggest the conclusion that these goods are not acquired permanently, but rather that they constitute securities. The few exceptions where there is no reimbursement could not change this view. In fact the reason for them is clear -- compensation for that which is not restituted is made in other ways. (1)

[721]

1. This observation -- like others made earlier -- might lead us to believe that in the mind of the Nkundó war and other bloody practices are only means which have little to recommend them and that basically our people disapprove of them.

Nevertheless, this conclusion does not hold up if we compare all the foregoing with what occurs when a marriage is broken through death. For in the latter case nothing at all is returned; everything that was given by each party remains permanently theirs. No payment is demanded even for the children (see below).

consists of a beautifully fashioned native knife, or a lance, or mitoko [copper wire used as currency]. In some areas, it was the polygynist who attended the mother at the birth of the daughter. He had the wood gathered, water brought, and food prepared. If, then, the expected child was a boy, the security was usually returned, and the contract declared null and void. If, however, the one who had given the security was a village chief or a man of importance, then the father of the child tried to give him another daughter. The father had, for instance, at an earlier time given a daughter to another man of much less importance. In the above-mentioned case, he would give back the bride price received, take his daughter back, and give her to the polygynist from whom he expected a larger bride price.

Sometimes too the boy was taken by the polygynist and remained in his family until the father could trade a daughter for him.

While very young and still a child, the little daughter was installed in the harem of the polygynist. She was brought up there, together with other children of her age and status; or rather, she grew up there in the midst of those heathen customs without any upbringing.

The composition of the harem of a polygamist:

The first wife was called the Bomatsa; she preceded all the other wives in rank, and in the absence of the polygynist, she was the mistress of the harem.

The second wife was called Ekila; she was the most loved and preceded all the remaining wives. She was also called Nkonda.

The third wife was called Bolumbu. At the appointment of the Bolumbu, a certain ceremony took place, and the wife was clothed with an animal skin. The Nku, a sort of patriarch and magician, sometimes had three or four Bolumbu who served as messengers to other villages. In this capacity they had special privileges. For instance, to attack a Bolumbu was a reason for declaring war.

[ 533] The remaining women were simply women of the harem, without distinction.

In the area of Monjoku, among the Bolee [Bole], the first wife was called Nkisa, with the same rank as Bomatsa. The second